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April 5, 2023

## **VIA ECF**

Hon. Hector Gonzalez, U.S.D.J.  
U.S. Dist. Court E. Dist. of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address  
71.255.58.51  
Dkt. No. 1:23-cv-02014-HG**

Judge Gonzalez,

I represent Plaintiff Strike 3 Holdings, LLC (“Plaintiff”) in the above-referenced matter. I write to respectfully request the entry of an Order revising the Court’s April 4, 2023 Order [D.E. 8] to correct that the Internet Service Provider (“ISP”) that Plaintiff may serve with a subpoena is Verizon Fios.

The ISP that assigned the IP address at issue in this matter is Verizon Fios. *See* D.E. 1 ¶ 5, D.E. 1-1. However, the Court’s April 4, 2023 Order inadvertently identified the ISP as “Spectrum.” This occurs twice on page 1, and once on page 4 of the Order. D.E. 8. Upon information and belief, Verizon Fios will not comply with a subpoena where the authorizing order specifically identifies a different entity as the relevant ISP.<sup>1</sup>

Accordingly, for the foregoing reasons Plaintiff respectfully requests the entry of an Order revising the Court’s April 4, 2023 Order [D.E. 8] to identify the ISP that Plaintiff may serve with a subpoena is Verizon Fios.

Thank you for your attention to this matter.

Respectfully submitted,

*/s/ John C. Atkin*

John C. Atkin, Esq.

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<sup>1</sup> Plaintiff respectfully notes that some other courts identify the entity that Plaintiff is permitted to subpoena as “the ISP specifically identified in the Complaint” or substantially similar language.